

USSN 10/058,969

Art unit 3652

Examiner Michael Kwon

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
Washington, D.C.
U.S.A. 20231

Response to Official Action

RE: Application Serial No.: 10/058,969
Applicant: Robert C. Rajewski
Title: Utility Pole Installation System
Filed: January 30, 2002
Art Unit: 3652
Examiner: Michael Kwon
Attorney Docket No.: 004-55

This is in response to the official action dated March 12, 2003.

REMARKS

Claims 1-5 are rejected under 35 USC 103 as being unpatentable over Hensler in view of Marazzo et al. Claim 3 is rejected under 35 USC 112, First paragraph, as containing subject matter which was not described in the specification in a such a way as to enable one skilled in the art to which it pertains, or with which it most nearly connected, to make and/or use the invention. Applicant respectfully traverses these rejections.

With respect to the obviousness rejection of all claims as unpatentable over Hensler in view of Marazzo et al., the examiner cites Hensler as teaching a utility pole installation system 20, including an excavating auger 36, and notes that it differs from the Applicant's invention because it does not expressly show or teach such a system mounted on the chassis of a hydrovac unit. He then cites Marazzo et al. as teaching a hydrovac unit.

Applicant respectfully submits that there is no suggestion in either reference to combine these teachings. In fact, as Hensler notes, conventional digger derrick trucks